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A SENSATIONAL LAW

Passed by Legislature Affecting Greensboro.

AMENDMENT TO CHARTER

Sanctity of Homes and Rights of Property Violated.

The Law Was Brought Out During the Trial of Cases Before Judge Peebles on the Charge of Violating the Prohibition Laws—The Trial Judge Was Severe in His Condemnation of the Provision of the Law and He Said in His Opinion It Was Contrary to the Constitutions of Both the United States and North Carolina—Sensational Climax to the Trial of Cases.

(Special to The Messenger.)

Greensboro, N. C., May 17.—At the criminal term of the superior court held here last week, there were a great many cases on the docket against parties charged with violating the prohibition law which went into effect here January first. Many of these parties had been sent on to court by the mayor, several of them having been in jail several weeks because of inability to give bond for their appearance. Two of them bring women. About twenty of these cases were against parties out in the country for retailing contrary to the provisions of the general prohibition law which has been in force and generally regarded in Guilford county outside of the city of Greensboro for more than a quarter of a century. These cases were sent up by a magistrate, and in one of them the defendants were found guilty, and were punished by Judge Peebles. In the cases coming up for violating the city law almost in every instance except where the defendant pleaded guilty, the cases were discussed before they reached the jury. One of these cases tried Monday against a woman who had been in jail for some time. The jury convicted her on the evidence of a negro named Joe Stroud, who had been employed by the police to "catch up" with blind tigers, at so much a catch. The next day when the solicitor prayed judgment, Judge Peebles said he did not feel that a verdict on such uncorroborated evidence of a paid spy ought to stand, and he set it aside, giving the woman another trial. He said there was enough crime committed which was unpunished, to encourage citizens into committing crime, the evidence given by Joe being that he would go in and get a drink or try to buy a bottle from some one, while the police stood outside waiting to pay him the money for his information obtained by buying liquor with money also furnished by them. Independent of this Judge Peebles said it was offering a premium on perjury to encourage the lowest and most disreputable characters to swear for pay that he purchased liquor, there being a possibility of its not being true. The same day another retailing case was being tried and the witness who is now the chief of police was testifying in behalf of the state that he broke into the home of the defendant and found a quantity of bottles smelling liquor and some filled with liquor and he confiscated the property and arrested the owner of the house on a charge of retailing. There was no evidence that the defendant sold any liquor. Judge Peebles almost drove the officer from the stand, asking Solicitor Brooks by what authority any citizen's house could be broken into and his property confiscated, and said such testimony was not proper to go before a jury to convict any citizen on. The answer made by Solicitor Brooks was not only a revelation to the citizens of Greensboro, but it produced a sensation which has only increased since it became known that such a law had been passed by the last Legislature.

No doubt the members of the Legislature who voted for this law, will be equally surprised with the citizens of Greensboro when they read it.

Solicitor Brooks read the following sections of a law enacted as an amendment to the city charter, being numbered section 119 and 120, reading as follows:

Section 119. That when any person shall attempt to buy or procure intoxicating liquors at the request of another person, said liquor to be purchased or procured from a third person, then the party delivering such liquors so attempted to be purchased or procured, shall be deemed prima facie evidence of an illegal sale on the part of the person making such delivery, and that whenever any person, firm or corporation shall deliver to any other person, firm or corporation on

any street, road, public square or in any business house within the city limits or one mile thereof or other outside territory hereinbefore described, any intoxicating liquors except upon a physician's prescription and under the provisions hereinbefore described then such delivery shall be prima facie evidence of the sale of said liquors contrary to law.

Section 120. That whenever any policeman, constable or other officer shall have in his possession a warrant against a person, firm or corporation for retailing liquors contrary to law, the said policeman and other officers shall have the right to search the premises of such person, firm or corporation for the purpose of discovering if intoxicating liquors are stored or kept upon the premises, and shall seize all such intoxicating liquors so discovered and store the same, as directed by the court, before whom such warrant is returnable and shall give notice for ten days in a paper published in the city of Greensboro or at the court house door in Greensboro naming the time and place at which proceedings will be held to determine whether or not said liquors shall be forfeited and condemned, and if a claimant should appear at such time and place, then the court shall proceed to try the question whether or not said liquors were held for the purpose of illegal sale, and the burden of proof shall be upon the claimant, and if such claimant shall fail to prove that such liquors were not kept for said purpose, then the fact of their discovery, under the conditions hereinbefore set forth, shall be prima facie evidence that they were held for such illegal purpose, and the fact of their discovery, under the conditions hereinbefore set forth, shall be prima facie evidence that they were held for such illegal purpose and the court may declare them forfeited.

The only part of this law the policeman had observed was the breaking into the house, which he did he said under authority from the city attorney and seizing the defendants goods. He had not had any trial as to the right of proving it his property as section provided, that part of the law having been disregarded or overlooked. Judge Peebles asked if the Supreme court had ever passed on such a law, and was told no. He then said that he had taken an oath to support the constitution of the state and the United States and in his opinion the amendment to the charter was in contravention of the constitutions of both the United States and of that of North Carolina and that he would not permit a conviction under a law that permitted an officer without a search warrant on sworn affidavit according to the bill of rights to break into a house, seize and confiscate a private citizen's property and at the same time manufacture evidence against him and then deprive him of the constitutional right of a presumption of innocence, going further and putting the burden of proof on him, and making him prima facie guilty with no means of establishing even his innocence. He also said it occurred to him that the sanctity of the homes and the rights of property and liberty of the plain, ignorant, humble people of this country might be given a little consideration instead of bestowing it all in efforts to manufacture evidence against some worthless man for violating a law against the sale of liquors; that violators of the prohibition law should be caught and punished, but that it could be done without violating a more sacred law in order to make a case.

The remarks of Judge Peebles created something of a sensation, but this did not compare with the surprise expressed by almost every lawyer present at the existence of such a law on the statute books. On Thursday there was another sensational climax to the trial of another batch of retailing cases in which the same spy or detective, Joe Stroud was the only witness. He swore about as he had done in the case against the woman Monday when the judge set aside the conviction on Tuesday. Joe was flatly contradicted by four witnesses who swore that he came in where they were having a dance and was given two drinks in social enjoyment and from friendly spirit. He had before testified that he didn't carry any liquor out to the waiting officers, but put their money in his pocket, blew his breath in their faces to show he had bought the liquor and earned his reward. When the defendants had concluded their testimony Judge Peebles charged the jury, and State Senator Scales, who was acting for the solicitor, he being also the city attorney and the attorney for the law and order league having in charge the detection and prosecution of violators of the liquor law, said that under the judge's charge as to the law he would not ask the jury to convict, and the defendant was ordered discharged. There were several other cases of the same order, with Joe as the star witness, and at Judge Peebles' suggestion verdicts of not guilty were entered and the prisoners released.

Judge Peebles then issued a bench warrant for Joe Stroud for perjury; he was placed in custody and in default of a two hundred and fifty dollar bond was sent to jail to answer at next term of court on a charge of perjury.

Judge Peebles then said: "Mr. Scales, I am sure you are entirely conscientious in your efforts to enforce the law, and deserve the commendation of all good people in doing so, but if the law has to be promulgated by such means it will soon be in disrepute. All law ought to be obeyed and enforced, and as they will be obeyed by decent people they ought to be enforced by the evidence of decent witnesses. When I see the verdict against Mattie Scales

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A RECEPTION IN GOLDSBORO FOR TOGO OR VLADIVOSTOK

Cordial Welcome to Delegations From New Jersey and North Carolina.

ALL ON THE WAY TO NEW BERN

Monument to be Unveiled There Today to the Ninth New Jersey Volunteers—Captured Flag of the "Plover Boys" Regiment to be Returned.

(Special to The Messenger.)

Goldsboro, N. C., May 17.—Representative people from North Carolina and New Jersey met in this city this afternoon and the Hotel Kennon, where the meeting took place, presented a gay scene. The occasion was the coming together of delegations from the two states to go to New Bern to unveil a monument tomorrow to the federal soldiers of New Jersey who lost their lives in the battle of New Bern.

The Southern train, which arrived here at noon today from Raleigh, brought Governor Glenn, his staff, a number of state officials and the Raleigh Light Infantry. This afternoon a special train, composed of three Pullmans and two day coaches, came in over the A. C. L., bearing a number of officials and veterans from New Jersey. There were a number of ladies with the party. They were met at the train by a committee from the chamber of commerce and escorted to the Hotel Kennon, where they were introduced to Governor Glenn and his party, and where they were formerly welcomed by Col. Joseph E. Robinson in a magnificent speech. His remarks were responded to by Speaker Averis, of the House, of New Jersey, who represented Governor Stokes, of that state, the latter not being able to get here until tomorrow morning, when he will pass through to be present at the ceremonies in New Bern.

After the service of refreshments and a real cordial exchange of friendly greetings both the North Carolina and New Jersey contingents left this afternoon for New Bern on a special train, where Governor Glenn will deliver the address on behalf of the people of North Carolina tomorrow. The military in this city fired the regular salute on the arrival of both the distinguished parties today.

Raleigh, N. C., May 17.—Governor Glenn, accompanied by state officers, members of his personal staff and general staff, and the Raleigh Light Infantry, as a special escort left this morning for New Bern to participate in the unveiling of the monument by New Jersey to the Ninth New Jersey Volunteers. Along with the party went Mrs. Mary Winfield Joyner, who made the flag for the "Beaufort Plover Boys" in 1861. This is the flag that was captured by the Ninth New Jersey regiment, and is to be returned to the survivors of the "Plover Boys" company.

While en route to New Bern they were joined by Major Harding, of Greenville, who was captain in command of the "Plover Boys" regiment. He and Mrs. Joyner will receive the flag in the name of the "Plover Boys," it being restored to the state by a special act of the New Jersey legislature.

FAIL RIVER TEXTILE STRIKE

Governor Douglas, as Referee, Finds That a Partial Restoration of Wages is Not Warranted.

Boston, Mass., May 17.—In a statement today Governor Douglas, as referee in the settlement of the Fall River Textile strike of 1904 finds that a partial restoration of wages is not warranted. When the strike was settled in January last through Governor Douglas' intervention, he was empowered to fix a margin of profit at which operatives would receive an increase of wages. The governor reports that the conditions during the months between January and April were not such as to warrant an increase.

Governor Douglas finds that it would require a margin of seventy-four and thirty eight one-hundredths cents between the price of cloth and its equivalent in manufactured cotton to pay the requested increase of five per cent. in wages earned during the time which his investigation covered. This margin would allow six per cent. for mill dividends and five per cent. for annual depreciation.

While the exact margin of profit which prevailed during the period of investigation is not exactly known since it is a matter of which the manufacturers alone have knowledge, it is understood that it was under seventy cents.

The governor offers no direct communication bearing on the Fall River situation.

Bishop Nelson Recommends Two Dioceses for Georgia.

Macon, Ga., May 17.—At the 83rd annual convention of the Episcopal diocese of Georgia which convened at Christ church today, the Right Rev. Cleveland Kinloch Nelson, bishop of Georgia, in his annual address recommended that the church in Georgia be divided into two dioceses, a line being drawn practically through geographical center. It is also recommended that the negroes of the Episcopal faith in Georgia be allowed to hold separate conventions, under the jurisdiction of the bishop.

ROJESTVENSKY SETS FORTH ON LAST STAGE OF JOURNEY.

Naval Officials Anxiously Expecting News of Skirmishes Between Scouts of the Hostile Fleets—Events in Manchuria Probably Shaping for the Preliminary Stage for Another Great Battle.

KEEN INTEREST IN THE WAR

St. Petersburg, May 17.—2:40 a. m.—With a auspicious stoppage of dispatches from Manchuria, and a strong possibility that Vice Admiral Rojestvensky has cut his last communications with home and set forth on the final stage of his journey to his goal, either Togo or Vladivostok, keen interest is manifested in naval and military circles here in the two fold field of war.

Though the admiralty, which has been completely silent since the advent of Rojestvensky in the Chinese sea, publishes no dispatches, the conviction is growing that the united squadrons, as indicated by the Associated Press on May 16, departed from the Annam coast immediately after their junction and naval officials are anxiously expecting news of the first skirmishes between scouts of the hostile fleets.

Captain Clade confirmed the statement of the Associated Press that the vessels of both squadrons are equipped with apparatus for cleaning their bottoms at sea. He said it was entirely possible for Vice Admiral Nebogoroff to put the last finishing touches to the vessels of his division during the mysterious interval when they were lost to sight before passing the straits of Malacca.

Neither the admiralty nor individual officers have any information regarding the rumored request of Vice Admiral Rojestvensky to be relieved, and all who were questioned regarding the report expressed doubts of its accuracy. On the military side, the indications are that events are rapidly shaping for the preliminary stage for another great battle. The Russian army has been fitted and is ready for action and it is asserted that General Linvitch is not the man to waste days in inaction.

A further mobilization of cavalry in one or two districts was ordered today.

ROJESTVENSKY MAY BE ILL

Disquieting Reports Concerning His Health—May Give Up Command of the Fleet.

St. Petersburg, May 17.—Very disquieting reports are in circulation this evening about Vice Admiral Rojestvensky's health. It is said that he has telegraphed the Emperor that it is impossible for him to proceed. An evening paper prints a report that the admiral has suffered a nervous breakdown. No official confirmation of the report that Rojestvensky has requested to be relieved from duty is obtainable at the admiralty. Nevertheless, the admiral's health has been the cause of considerable anxiety here. It is well known that he suffered from kidney trouble before leaving Cronstadt, and throughout the long voyage to the far east he suffered at times to such an extent that he had to be carried about on a stretcher.

But the Russian commander stuck bravely to his post. If he is now compelled on the eve of battle to give up his command, the admiralty would regard it as little short of a national misfortune. Rojestvensky has proved a genius as an organizer and confidence is felt that he will show unusual ability as fighter. Should Rojestvensky be compelled to leave the fleet the command would devolve upon Rear Admiral Coelkersan, who is now with Rojestvensky.

ROJESTVENSKY ACTED WITH ABSOLUTE INDEPENDENCE.

Saigon, Cochinchina, May 17.—Admiral de Jonquieres, the French naval commander at Saigon, who has been cruising along the Annam coast on the cruiser Guichen returned here today. According to the reports gathered concerning the Russian fleet, Admiral Rojestvensky showed absolute disregard of the discussions on the subject of neutrality. The Russian commander proceeded as if his position gave him complete independence. He declared that he acted on his own judgment and said that criticisms did not change his opinions.

JAPANESE SOUTH OF FORMOSA.

Amoy, China, May 17.—It is believed that part of the Japanese fleet is taking up a position below Formosa, and that Admiral Togo has planned to fight the Russians south of Formosa.

Programme for Southern Industrial Parliament.

Washington May 17.—District Commissioner Henry L. West who has been elected chairman of the executive committee of the Southern Industrial Parliament, Acting Secretary of Agriculture Willett N. Hayes and Dr. Walter C. Murphy, of this city, were in conference today arranging the programme of speakers for the parliament which begins here May 23. Acceptances have been received from prominent men in the southern and northern states.

ORGANIZATION PERMANENT

Baptists of the North and South Unite in One Convention—Dr. Cushing Stricken and Fell Deat in the Convention Hall.

St. Louis, May 17.—Organization of a permanent body to be known as the general convention of Baptists of North America, was perfected today by the election of the following officers:

President—E. W. Stephens, of Columbia, Mo.
First Vice President—E. M. Dresser, Ohio.

Second Vice President—Joshua Levering, Maryland.
Third Vice President—Thomas B. Trotter, Nova Scotia.
Secretary—J. S. Prestridge, Kentucky.

Treasurer—H. E. Kirk Porter, Pennsylvania.
The executive committee includes W. E. Hatcher, of Virginia.

Just as the Baptist convention was about to adjourn today, Dr. Cushing, president of the Baptist University, Rangoon, India, was stricken while occupying a seat on the rostrum and falling to the floor. While waiting for the arrival of an ambulance a prayer was offered for Dr. Cushing. Before the arrival of medical assistance Dr. Cushing died.

The report of the committee of nine, appointed at a conference in New York in last January recommending permanent organization was read by Chairman E. M. Dresser, of Ohio. Rev. Dr. Edward Judson, of New York, son of Adoniram Judson who was one of the first missionaries of the Baptist church, made a motion that the report be adopted.

The motion was seconded by Rev. Dr. W. F. Hatcher, of Virginia. "I think there is wisdom and strength in the adoption of this plan of uniting the Baptists of the north and south," said he. "This action sends a message to the outside and tells friends and critics alike that so far as the American Baptists are concerned, there is an infinite difference between separation and division. We are separated in our work, but this action will declare to the world that we are not divided. There is now no cause that stand in the way of our union of heart and cordial fraternity. In closing, I want to say that, although I am a Democrat, I think that the power of one man to unify this country and help towards effecting a unity of the world has been supreme even in American history. I feel that we must be united, not only in the church for the one great purpose that may lead to the salvation of the nation. Therefore with great heartiness and cordiality I second the motion to adopt this committee's resolution."

Immediately upon the conclusion of Dr. Hatcher's speech the convention spontaneously burst into the singing of "All Hail the Power of Jesus Name."

The report of the committee recommending permanent organization was then read and adopted, section by section. The name of the organization is designated as the General Convention of Baptists of North America. It is to have no authority, except that exercised by the weight of its opinion. It is not to interfere with the affairs of either of the existing organizations. The next meeting is to be held in 1906 and after that meetings are to be held triennially.

STRIKE WILL BE CALLED OFF

Programme for Ending the Teamsters' Strike Said to Have Already Been Arranged—President Gompers Active in Efforts to Bring a Settlement.

Chicago, May 17.—It is highly probable that the next twenty-four hours will see the end of the teamsters' strike in Chicago. Although none of the leaders will so acknowledge, it is generally understood tonight that the programme for calling off the strike has already been arranged.

Tomorrow morning a meeting will be held between the teamsters' joint council and a committee representing the Team Owners' Association. It will be plain to the teamsters that the business of the team owners render it imperative that the boycott be lifted. It will then be agreed, it is said, by the team owners and the teamsters' joint council that the demand of the team owners to make deliveries to boycotted houses with union drivers be submitted to arbitration; this arbitration is to concern only the Team Owners' Association and the teamsters, the members of the employers' association being in no manner interested in it officially. Pending the decision of this board of arbitration, the strike is to be called off and such members of the teamsters' union as are able to obtain their old positions will return to work. This will end the strike, with the exception of the strike against Montgomery Ward & Company, and it is expected that the trouble in this direction will die out gradually.

President Samuel Gompers, of the American Federation of Labor was active today in all efforts made towards settling the strike. He expressed himself as confident that the strike would be adjusted in a short time. Little if any opposition was made today by the strikers and their friends to the making of deliveries by non-union drivers. In fact the streets had almost assumed their normal condition and there was little to indicate that a strike of such large proportions was in progress.

The authorities have taken hold of the strike fever in the public schools with a firm hand and this afternoon Judge Mack of the Juvenile court, sentenced one boy to the John Worth school, which is a branch of the house of correction, and sent two to the parental school, while a fourth was released on probation.

ASS'N OF MANUFACTURERS

Important Features of the Second Day's Session.

An Address by President Samuel Spencer of the Southern Railroad—Reciprocity Discussed by Eugene Foss of Massachusetts—The "Open Shop" Endorsed by Resolutions Committee, Whose Report Was Adopted—One Part of the Report Which Called Upon the Isthmian Canal Commission to Use American Made Goods in Connection With Canal Construction, Was Rejected.

Atlanta, May 17.—The important features of the second day's session of the National Association of Manufacturers were the address of Samuel Spencer, president of the Southern Railway, the address of Eugene N. Foss of Massachusetts, on Reciprocity, and the report of the committee on resolutions which caused a lively debate and the rejection of one part of the report which called upon the Isthmian Canal Commission to use American made goods in connection with canal construction.

Increased attendance and increased interest marked the day's programme, which was opened by Mr. Foss, whose prominence as an advocate of reciprocity with foreign nations has given weight to his words. In a lengthy paper he discussed the subject historically and economically. He was followed by President Spencer, who spoke as follows:

ADDRESS OF MR. SPENCER.

The act to regulate commerce, passed by Congress in 1857, was directed towards the regulation of a certain class of common carriers. The anti-trust act of 1890, known as the Sherman anti-trust law, was supposed at the time of its passage to be directed solely against the so-called trusts or large corporations or combinations engaged in industrial pursuits other than that of transportation. The two acts were intended to deal severally, one with the function of transportation conducted by common carriers by rail; the other with the manufacture and sale of commodities.

It has since been determined by judicial decree that both acts apply to the common carrier, with the anomalous and confusing result that if the carrier obey one law he runs the risk of disobeying the other. The only way he can establish that uniformity and stability in rates demanded by the law is to enter into an agreement which may be forbidden by the other.

The act of 1890 was intended not to control or regulate, but practically to suppress the growth of the industrial corporations.

Perhaps the most striking feature of industrial conditions since its enactment has been the continuous and enormous increase in the number of such corporations, their almost uninterrupted growth in wealth and efficiency and their combination into larger units.

Instead of being suppressed, these powerful agencies for economy and usefulness have grown until they practically represent the progressive industry of the country. While the change from individual to corporate direction of industry may, in some cases, be due to force if circumstances contrary to the preference of the individual, there are few exceptions to the rule that the change has been the result of that individual choice which is the very essence of industrial and commercial freedom. It has been aptly said that the corporation is but the individual expanded.

Whether business be conducted by a person, a firm or a corporation large or small, it is the ambition, the enterprise and the achievement of the individual that make it successful.

The spirit of industrial and commercial combination, founded on the fundamental laws of economy of production and of cheaper distribution, can never suppress or diminish the personal activity of any citizen, except of one whose natural limitations disqualify him for successful competition with his superior neighbor. So long as that competition is fair and legal, the individual can not unduly suffer. It is the part of the government, of course, to see that the field of competition is kept open equally to all, but it is not its province to bolster up the fortunes or even the opportunities of one against the other. Freedom of endeavor fosters

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A LIVELY DEBATE

Over Report of Committee on Resolutions.

ASS'N OF MANUFACTURERS

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